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DEQ INSPECTION
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Oregon

John A. Kitzhaber, M.D., Governor

Department of Environmental Quality

Northwest Region
2020 SW Fourth Avenue
Suite 400
Portland, OR 97201-4987
(503) 229-5263 Voice
TTY (503) 229-5471

CERTIFIED MAIL RETURN RECEIPT REQUESTED

February 20, 2001

JIM PARCHERT
PACIFIC DETROIT DIESEL ALLISON
5061 N LAGOON AVENUE
PORTLAND OREGON 97217

Re: HW Multnomah County
Pacific Detroit Diesel Allison
ORD059403154
NWR-HW-01-014
NOTICE OF NONCOMPLIANCE

Dear Mr. Parchert:

This Notice of Noncompliance (hereinafter called "Notice") is issued in accordance with OAR 340-12-041(1) for hazardous waste violations documented by the Oregon Department of Environmental Quality (the Department) at the Pacific Detroit Diesel Allison facility, located at 5061 N Lagoon Avenue, Portland, Oregon in Multnomah County. The violations were identified during the February 12, 2001, hazardous waste inspection.

Violations documented include violations of Oregon's hazardous waste regulations (Oregon Administrative Rules or OAR). The OARs include federal regulations adopted from Title 40 of the Code of Federal Regulations (40 CFR). At the time of the Department's inspection, Pacific Detroit Diesel Allison was subject to those hazardous waste regulations applicable to small quantity hazardous waste generators.

The purpose of this Notice is to inform you of violations that have been identified so that you can begin to take action to correct them. Based upon your response to these violations and upon completion of the Department's investigation, additional violations may be identified. The Department will inform you in a subsequent Notice of Noncompliance if additional violations need to be corrected.

VIOLATIONS

HAZARDOUS WASTE VIOLATIONS

VIOLATION NO. 1: Pacific Detroit Diesel Allison violated **40 CFR § 262.34(d)(4) & 40 CFR § 262.34(a)(2)** by failing to mark hazardous waste storage containers with accumulation start date.

40 CFR § 262.34(d)(4) & 40 CFR § 262.34(a)(2) require that hazardous waste containers be marked with the date upon which waste was first placed in them.

VIOLATION NO. 2: Pacific Detroit Diesel Allison violated **40 CFR § 262.34(d)(4) & 40 CFR § 262.34(a)(3)** by failing to mark hazardous waste storage containers with the words "Hazardous Waste".

40 CFR § 262.34(d)(4) & 40 CFR § 262.34(a)(3) require that hazardous waste containers be labeled or marked with the words "Hazardous Waste".

VIOLATION NO. 3: Pacific Detroit Diesel Allison violated **40 CFR § 262.34(c)(1)(ii)** by failing to mark the satellite hazardous waste containers near the paint mix area with the contents or the words "Hazardous Waste".

40 CFR § 262.34(c)(1)(ii) requires that satellite accumulation containers be marked with the words "Hazardous Waste" or the container's contents.

VIOLATION NO. 4: Pacific Detroit Diesel Allison violated **40 CFR § 262.34(c)(1)(i) & 40 CFR § 265.173(a)** by failing to keep the five-gallon satellite hazardous waste containers near the paint mix area closed.

40 CFR § 262.34(c)(1)(i) & 40 CFR § 265.173(a) require that satellite accumulation containers be closed except when waste is being added or removed from the drum.

VIOLATION NO. 5: Pacific Detroit Diesel Allison violated **40 CFR § 279.22(c)(1)** by failing to label or mark used oil containers with the words "Used Oil".

40 CFR § 279.22(c)(1) requires that containers storing used oil be marked or labeled with the words "Used Oil".

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VIOLATION NO. 6: Pacific Detroit Diesel Allison violated **40 CFR § 273.14 xx OAR 340-113-030(6)(a)-mercury containing lamps** by failing to label or mark universal waste with identifying phrases.

40 CFR § 273.14 xx OAR 340-113-030(6)(a)-mercury containing lamps requires that universal waste be labeled or marked with identifying phrases such as: "Universal Waste – lamps".

REQUESTED ACTION

You are requested to immediately begin addressing the violations cited in this Notice and inform the Department of the actions you have taken to correct the violations and prevent their recurrence. Please take the following immediate actions.

Within 30 days of receipt of this Notice please provide documentation showing that the violations have been corrected.

VIOLATION NO. 1: Please submit to the Department a photograph which shows that the 55-gallon black drum of waste paint has been marked with the accumulation start date.

VIOLATION NO. 2: Please submit to the Department a photograph which shows that the 55-gallon drum of waste paint has been labeled or marked with the words "Hazardous Waste".

VIOLATION NO. 3: Please explain the standard operating procedures for labeling and closing satellite accumulation .

VIOLATION NO. 4: Please explain the standard operating procedures for labeling and closing satellite accumulation containers.

VIOLATION NO. 5: Please label all used oil drums and submit to the Department photographs of the labeled drums.

VIOLATION NO.6: Please submit to the Department photographs which show that the fluorescent tubes have been contained and marked.

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Concerns

40 CFR § 262.34(d)(5)(ii) requires that the location of the emergency equipment at the facility, the name and telephone number of the emergency coordinator and the fire department telephone number be posted next to the telephone. There were two phones that had the appropriate emergency coordinator number and list of emergency equipment. There was no fire department number. Additionally, a 24-hour number for the emergency coordinator is expected to be on the posted information sheet. Please make any necessary modifications. Additionally, employees should be trained to use those specific phones during an emergency and be informed of the telephone information.

These violations are considered to be Class I and II violations and are serious violations of Oregon environmental law. Should you fail to correct the violations or should similar violations recur your file will be referred to the Department's Enforcement Section with a recommendation to initiate a formal enforcement action. Formal enforcement actions may include a civil penalty assessment. Civil penalties can be assessed for each day of violation.

This Notice does not require you to implement Pollution Prevention. However, the Department strongly recommends that you consider Pollution Prevention options, where applicable, to prevent the violations outlined in this Notice from recurring. Pollution Prevention may also enable you to reduce environmentally driven costs, reduce operating costs, and reduce the regulatory requirements and fees applied to your firm. Please call our technical assistance staff for more information at (503) 229-5564.

Please submit the information requested in this Notice to my attention and contact me at (503)229-5563 if you have any questions concerning this Notice or other hazardous waste management issues.

Sincerely,



Susan Shewczyk
Environmental Specialist
Hazardous Waste Department

cc: HWP, Mathews